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February 14, 2000

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

VIA COURIER

Lawrence E. Strickling, Chief
Common Carrier Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: Written Ex Parte Presentation in CC Docket No. 99-200

Dear Mr. Strickling:

Thank you for meeting with Winstar on February 3, 2000 to discuss number optimization and the adverse effect on competition being caused by certain numbering policies adopted or proposed by a number of states.¹ Winstar believes that the Commission's mandate, under the Telecommunications Act of 1996 ("1996 Act") to foster local competition, requires federal involvement to prevent state political concerns (such as the temporary preservation of seven-digit dialing) from impairing the development of competition. We are writing to reemphasize this and other major points you should consider while drafting an order in the above-captioned proceeding on number optimization.

First, we urge you to act as soon as possible – by the end of March at the latest – to address the most important numbering issues raised in this proceeding. Uncertainty about critical numbering policies and the role of the states under the federal numbering framework established by the 1996 Act is increasingly hindering competition.

Second, uniform national numbering rules, with appropriate enforcement mechanisms to ensure full compliance by both state regulators and carriers, are crucial to foster competition. A balkanized numbering policy would undermine the 1996 Act and the Commission's rules by dampening competition, raising costs for consumers, and limiting the range and quality of available telecommunications and Internet services. Recent experience has

¹ See Letter dated February 3, 2000 from Todd D. Daubert, Counsel to Winstar, to Magalie Salas, Secretary, FCC, providing notice of *ex parte* presentation on February 3, 2000.

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shown that local political pressures have caused many state regulators to adopt policies designed to maintain seven-digit dialing or prevent the introduction of new area codes rather than to alleviate the root causes of number shortages. These state policies exacerbate long-term number shortages and often exceed the authority over numbering issues delegated to the states. We urge the Commission to break this political impasse at the local level by adopting strong uniform national rules that facilitate competition, just as the Commission has done with its policies on satellite dishes and cellular tower siting. Relieved of local pressure to maintain seven-digit dialing and prevent the introduction of new area codes, state regulators will be free to make rational choices about area code relief. Winstar believes that opposition to strong uniform national rules will subside quickly and will be far less vehement than the controversy that would arise if the Commission fails to act and number rationing begins to affect more consumers across the nation. Thus, the Commission should delegate authority to the states only within carefully crafted guidelines and remain vigilant to ensure that those guidelines are observed.

Third, the Commission should adopt a schedule for the introduction of mandatory 10-digit dialing on a national scale. This would relieve the political pressure on state regulators to maintain seven-digit dialing at all costs and prepare the way for eventual expansion of the North American Numbering Plan ("NANP"). The Commission should also prohibit seven-digit dialing in overlay area codes (beyond a reasonable permissive period), and order the industry to investigate the feasibility of opening the "D" digit to allow use of central office codes beginning with "1." By recognizing the inevitability of 10-digit dialing and removing state authority over that decision, the Commission will eliminate the principal incentive for state authorities to make irrational and anti-competitive numbering decisions.

Fourth, the Commission should only authorize number pooling trials in area codes that are not nearing exhaust, and require that the trials be reversible if unsuccessful. The maximum allowable contamination rate (*i.e.*, the percentage of numbers already assigned to live customers) should be increased from the current 10% standard to 40% in order to make more numbers available and to ensure "equality of sacrifice" in the donation of thousands blocks. In any event, the Commission should reemphasize that all carriers must have access to adequate numbering resources despite the introduction of a number pooling trial and revoke the authority of any state that denies carriers numbers while introducing number pooling or at any time. If number pooling proves to be successful as defined by specific performance benchmarks, the Commission should adopt national number pooling standards.

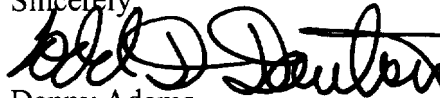
Finally, the Commission should adopt uniform national reporting standards and forms, and authorize one entity (selected by the industry through competitive bid) to gather data and ensure that the confidentiality of all reported information is maintained. The Commission should retain authority over enforcement so that uniformity throughout the nation is ensured. The recent actions of California and other states have demonstrated that the FCC must do more than delegate additional authority to the states and treat federal policies with benign neglect. Uniform national numbering policies must be observed.

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Winstar commends the Commission for its efforts to address numbering issues, and urges it to ensure that all service providers and end users have access to adequate numbering resources. The future of competition and the success of the pro-competitive policies of the 1996 Act depend on the availability of numbers to enable citizens to select the service providers that best meet their telecommunications needs in an environment that does not artificially constrain competition through real or perceived resource shortages. The only way to achieve these goals is to maintain strong uniform national numbering rules that the Commission enforces vigorously.

Sincerely,

A handwritten signature in black ink, appearing to read "Todd D. Daubert", with a long horizontal line extending to the right.

Danny Adams
Todd D. Daubert
Counsel to
Winstar Communications, Inc.

TDD:tw

cc: Magalie R. Salas (in accordance with Section 1.1206(b), two copies are being provided)
Yog Varma
Diane Harmon
Jared Carlson
Tejal Mehta
Aaron Goldberger